UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,781	04/20/2007	Heino Hameleers	P17248-US1	6589

27045   7590   10/15/2010

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

EXAMINER
BEHARRY, NOEL R

ART UNIT	PAPER NUMBER
2478	

NOTIFICATION DATE	DELIVERY MODE
10/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kara.coffman@ericsson.com
jennifer.hardin@ericsson.com
melissa.rhea@ericsson.com

	Application No.	Applicant(s)
Office Action Summary	10/595,781	HAMELEERS ET AL.
	Examiner	Art Unit
	NOEL BEHARRY	2478

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 July 2010*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19,21-23 and 25-28* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *19,21-23 and 25-28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *11 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☒ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
      Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This communication is in response to applicant's response filed under 37 C.F.R.

§1.111 in response to a non-final office action. No claims have been amended,

canceled or added. Claims 19, 21-23, and 25-28 are subject to examination.

Response to Arguments

2.   Applicant's arguments filed 07/23/2010 have been fully considered but they are

not persuasive for the following reasons:

3.   **Applicant's Argument:**

The applicant argues in substance that "It appears that the Examiner is indicating

that the combination of the two references would disclose sending a message, but

Applicant asserts that the target of the message is important and in Heinonen the target

is not the same as that of the claimed limitation. The Applicant respectfully submits that

the limitation in claim 19 of sending a message to a specific destination is pretty

important, if Heinonen is sending a message in the opposite direction to a called party,

then the claim limitation is not disclosed in Heinonen. The Applicant respectfully submits

that if the limitation is not present in the Heinonen reference, then there is no limitation

to combine with Choe."

4.   **Examiner's Response:**

The examiner respectfully disagrees. The Choe reference clearly teaches that the target is the calling party. As can be seen in Fig. 2 of Choe, the caller calls the called, and if the called is a subscriber the caller hears a personalized ring back tone. The Heinonen reference in the same field of endeavor teaches that a URI or search path can be transmitted in a setup message to retrieve the data file. As per the claims which recite "of providing multimedia information associated with called party terminal to a calling party terminal," it is clear that the references teach the limitations of the claims and particularly in the direction, of which the information is flowing, from the called party to the calling party, which is the target as argued by applicant.

5.   **Applicant's Argument:**

The applicant argues in substance that "The "demand" as recited by claim 1, is included in subscriber data of the called party. The present invention places a "demand" in the subscriber information to cause the core network node to send multimedia information to the calling party terminal, in rejecting claim !, the Examiner cites paragraph [0029] as teaching the limitation recognizing the demand for providing the multimedia information. Paragraph [0029] describes the PRBT system accessing the IDC to retrieve message settings. A difference between a subscriber in the present invention and one in the Choe reference is that sending multimedia ringback tones, in Choe, is a result of finding the subscription and, in the Applicant's invention, the demand is added to subscriber data so as to cause the network node, when accessing the subscriber data, to send the multimedia information."

6.   **Examiner's Response:**

The examiner respectfully disagrees. The examiner contends that finding a

subscription and having a demand in subscriber data is the same because in Choe if

the subscription is found it sends the multimedia information just as the claimed

invention does.

7.   **Applicant's Argument:**

The applicant argues in substance that "The Detailed Action cites the Heinonen

reference as teaching "sending a network address or Universal Resource Locator (UR,

L) to the calling party terminal for retrieving the multimedia information." The Examiner

is mistaken. The Heinonen reference discloses a WLAN in which the calling party

chooses what information to send to a called party to announce the calling party.

Heinonen discloses in more than one location the purpose of the invention is for the

calling party to choose the multimedia information and that the calling party is sending

ringing information to the called party, e.g., "...a ringing information file is sent from a

calling telephone to a receiving telephone," (col, 3, lines 37-38). In fact, the reference

the Examiner cites to reject the limitation actually supports the Applicant's contention

that Heinonen does not teach "...sending...to the calling party terminal..."... The

Applicant respectfully submits that Heinonen's "data file", cited by the Examiner, is a file

selected by the calling party, upon initiating a call, that contains different ringing

indications (Abstract) and the file is associated with both parties, not just the called party

as in the Applicant's invention. Sort of like a common file, as between the calling and called parties.

8.   **Examiner's Response:**

The examiner respectfully disagrees. Again here the examiner contends that the Choe reference teaches the limitations of the claim with the exception of explicitly teaching sending a network address or URL and therefore Heinonen is cited for teaching that limitaion. Choe already clearly teaches sending information associated with the called party to the calling party.

9.   **Applicant's Argument:**

The applicant argues in substance that "With further regard to "demand".. in the rejection language the Examiner indicates that if the called party is a subscriber, the action referred to above in the Response to Arguments occurs (if a subscriber, sending personalized multimedia, if not a subscriber; sending standard tones). The Applicant asserts that "demand" is not present; ~All limitations of the claimed invention must be considered when determining patentability." In re Lowry, 32 F.3d 1579, 1582, 32 U.S. P~Q. 2d 1031, 1034 (Fed. Cir. 1994) In comparing the Choe reference to the claimed invention to determine obviousness, limitations of the presently claimed invention may not be ignored. The present invention claims a demand being present in a subscription and sending information to a calling party. Such features are not taught or suggested by Choe and Heinonen. Therefore, claim 19 is not obvious in view of Choe and Heinonen."

10.   **Examiner's Response:**

The examiner respectfully disagrees. As previously mentioned, the Choe
reference teaches that a subscriber has a subscription, logs in and sets personalized
preferences of multimedia information to be provided to a caller. The configuration of
the user setting this up (Fig. 3) is the "demand" to send multimedia information. If the
applicant feels that this is a novel feature that is in fact different than that of the cited
prior art, the applicant is encouraged to amend the claims to reflect the differences
between the claims or agree to disagree and allow the application to go through the
appeal process. The examiner believes that the art is clear and that the office actions as
well are clear in showing that the claims are not patentably distinct in their current form.

11.   **Applicant's Argument:**

The applicant argues in substance that "The Nguyen reference is cited as
teaching multimedia information is provided using a packet switched connection. The
cited portion of Nguyen discloses routing "... communication requests between the
various elements..." The Applicant respectfully submits routing messages through a
signal transfer point is not the same as sending multimedia information using a packet
switched connection. Be that as it may, the Applicant respectfully submits that Nguyen
fails to provide the elements lacking in the combination of the Choe and Heinonen
references. Claims 22 and 26 depend from independent claims t9 and 23 respectively

and recite further limitations in combination with the novel elements of claims 19 and 23.

Therefore, the allowance of claims 22 and 26 is respectfully requested."

12.   **Examiner's Response:**

The examiner respectfully disagrees. Choe clearly teaches the providing

multimedia information and Nguyen teaches that communication requests between

various elements are routed through a packet switch communication, Par. 0022.

Therefore, the examiner submits that the cited references teach all of the claims

limitations.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14.   **Claims 19, 21, 23, 25, 27 and 28** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Choe** et al. (**Choe** hereafter) (US 2004/0114732 A1) in view of

Heinonen et al. (**Heinonen** hereafter) (US 6,671,370).

Regarding claim 19, **Choe** teaches,

a method, in a telecommunications network, of providing multimedia information

(personalized ring back tone, Par. 0028 & 0035) associated with a called party

terminal **(called party)** to a calling party terminal **(calling party)**, the method, performed

by a core network node **(Internet Data Center (IDC)**, comprising the steps of: **(Par.**

0028)

retrieving subscriber data of the called party **(Par. 0028 & 202-203 of Fig .2)**,

wherein the subscriber data comprises a demand for presenting the multimedia

information **(system determines whether the called party is a service subscriber);**

(Par. 0028)

receiving in the core network node a call set up message comprising an

identification of the called **(if the called party is a subscriber, the PRBT system**

accesses to the Internet Data Center (IDC) located at the message settings based

on the subscriber's account information stored in the MCP server), (Par. 0029)

recognizing according to the subscriber data and the received identification of the

called party the demand for providing the multimedia information **(if the called party is**

a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located

at the message settings based on the subscriber's account information stored in

the MCP server), (Par. 0029)

Although Choe teaches the internet data center 34 connected to the

participating telephone service provider 30 that retrieves the ring back messages

from the MCP server, when a called party 20 is the service subscriber, and

delivers the personalized ring back message to a calling party 10, while the

calling party 10 waits for connection to the called party 20, as a ring back tone

(Par. 0026)

Choe fails to explicitly teach,

sending a network address or Universal Resource Locator (URL) to the calling

party terminal for retrieving the multimedia information.

However, **Heinonen** teaches,

sending a network address or Universal Resource Locator (URL) to the calling

party terminal for retrieving the multimedia information. **(In a cellular system, the**

search path to the data file is transmitted in the setup message, and the calling

handset uses the same protocol; for example, WAP, to retrieve the data file from

the network server of the telephone system, Col 4, Lines 8-18)

It would have been obvious to one of ordinary skilled in the art at the time of the

invention to create the invention of **Choe** to include the above recited limitations as

taught by **Heinonen** in order to enable a caller to indicate the origin of a call by way of a

ringing indication that is selected by the caller **(Col 4, Lines 26-34)**.

Regarding claim 21, **Choe – Heinonen** teaches,

wherein the subscriber data is related to an IN subscription of the called party

(intelligent network). **(Choe; Par. 0030)**

Regarding claim 23, **Choe** teaches,

a core network node (CNN) **(Internet Data Center (IDC))** in a

telecommunications network for providing multimedia information **(personalized ring**

back tone) associated with a called party terminal **(called party)** to a calling party

terminal **(calling party)**, the core network node (CNN) comprising **(Par. 0028)**

means for **(the PRBT system accesses to the Internet Data Center, Par.**

0028) providing access to subscriber data of a called party **(Par. 0028 & 202-203 of Fig**

.2), the subscriber data comprising an indication for a demand for presenting the

multimedia information **(system determines whether the called party is a service**

subscriber), **(Par. 0028)**

an interface for sending messages **(MCP)**, **(Par. 0024 & Par. 0029)**

an interface for receiving messages **(MCP)**, **(Par. 0024 & Par. 0029)** and

a processing system for processing said messages **(PRBT system)**, the

processing system being adapted to: **(Par. 0028)**

process a received call set up message comprising an identification of the

called party **(if the called party is a subscriber, the PRBT system accesses**

to the Internet Data Center (IDC) located at the message settings based on

the subscriber's account information stored in the MCP server), **(Par. 0029)**

recognize according to received identification of the called party, the

demand for providing the multimedia information **(if the called party is a**

subscriber, the PRBT system accesses to the Internet Data Center (IDC)

located at the message settings based on the subscriber's account

information stored in the MCP server), **(Par. 0029)**

Although Choe teaches the internet data center 34 connected to the

participating telephone service provider 30 that retrieves the ring back messages

from the MCP server, when a called party 20 is the service subscriber, and

delivers the personalized ring back message to a calling party 10, while the

calling party 10 waits for connection to the called party 20, as a ring back tone

(Par. 0026)

Choe fails to explicitly teach,

send, to the calling party terminal, a network address or Universal Resource

Locator (URL) for retrieving the multimedia information.

However, **Heinonen** teaches,

send, to the calling party terminal, a network address or Universal Resource

Locator (URL) for retrieving the multimedia information. **(In a cellular system, the**

search path to the data file is transmitted in the setup message, and the calling

handset uses the same protocol; for example, WAP, to retrieve the data file from

the network server of the telephone system, Col 4, Lines 8-18)

It would have been obvious to one of ordinary skilled in the art at the time of the

invention to create the invention of **Choe** to include the above recited limitations as

taught by **Heinonen** in order to enable a caller to indicate the origin of a call by way of a

ringing indication that is selected by the caller **(Col 4, Lines 26-34)**.

Regarding claim 25, **Choe – Heinonen** teaches,

wherein the subscriber data is related to an IN subscription of the called party

(intelligent network). **(Choe; Par. 0030)**

Regarding claim 27, **Choe** teaches,

a method, in a core network node of a telecommunications network, for providing

multimedia information **(personalized ring back tone, Par. 0028 & 0035)** associated

with a called party terminal **(called party)** to a calling party terminal **(calling party)**, the

method comprising the steps of: **(Par. 0028)**

retrieving subscriber data of the called party **(Par. 0028 & 202-203 of Fig .2)**,

wherein the subscriber data comprises a demand for presenting the multimedia

information **(system determines whether the called party is a service subscriber)**;

(Par. 0028)

receiving in the core network node a call set up message comprising an

identification of the called **(if the called party is a subscriber, the PRBT system**

accesses to the Internet Data Center (IDC) located at the message settings based

on the subscriber's account information stored in the MCP server), (Par. 0029)

recognizing according to the subscriber data and the received identification of the

called party the demand for providing the multimedia information **(if the called party is**

a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located

at the message settings based on the subscriber's account information stored in

the MCP server), **(Par. 0029)**

Although Choe teaches the internet data center 34 connected to the

participating telephone service provider 30 that retrieves the ring back messages

from the MCP server, when a called party 20 is the service subscriber, and

delivers the personalized ring back message to a calling party 10, while the

calling party 10 waits for connection to the called party 20, as a ring back tone

(Par. 0026)

Choe fails to explicitly teach,

sending a network address or Universal Resource Locator (URL) to the calling

party terminal for retrieving the multimedia information.

However, **Heinonen** teaches,

sending a network address or Universal Resource Locator (URL) to the calling

party terminal for retrieving the multimedia information. **(In a cellular system, the**

search path to the data file is transmitted in the setup message, and the calling

handset uses the same protocol; for example, WAP, to retrieve the data file from

the network server of the telephone system, Col 4, Lines 8-18)

It would have been obvious to one of ordinary skilled in the art at the time of the

invention to create the invention of **Choe** to include the above recited limitations as

taught by **Heinonen** in order to enable a caller to indicate the origin of a call by way of a

ringing indication that is selected by the caller **(Col 4, Lines 26-34)**.

Regarding claim 28, **Choe** teaches,

a method, in a core network node of a telecommunications network, for providing

multimedia information **(personalized ring back tone, Par. 0028 & 0035)** associated

with a called party terminal **(called party)** to a calling party terminal **(calling party)**, the

method comprising the steps of: **(Par. 0028)**   retrieving subscriber data of the called

party **(Par. 0028 & 202-203 of Fig. 2)**, wherein the subscriber data comprises a

demand for presenting the multimedia information **(system determines whether the**

called party is a service subscriber); **(Par. 0028)**

receiving in the core network node a call set up message comprising an

identification of the called **(if the called party is a subscriber, the PRBT system**

accesses to the Internet Data Center (IDC) located at the message settings based

on the subscriber's account information stored in the MCP server), (Par. 0029)

recognizing according to the subscriber data and the received identification of the

called party the demand for providing the multimedia information **(if the called party is**

a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located

at the message settings based on the subscriber's account information stored in

the MCP server), (Par. 0029)

Although Choe teaches the internet data center 34 connected to the

participating telephone service provider 30 that retrieves the ring back messages

from the MCP server, when a called party 20 is the service subscriber, and

delivers the personalized ring back message to a calling party 10, while the

calling party 10 waits for connection to the called party 20, as a ring back tone

(Par. 0026)

Choe fails to explicitly teach,

if the called party terminal is not able to send the multimedia information, sending

a network address or Universal Resource Locator (URL) to the calling party terminal for

retrieving the multimedia information.

However, **Heinonen** teaches,

if the called party terminal is not able to send the multimedia information, sending

a network address or Universal Resource Locator (URL) to the calling party terminal for

retrieving the multimedia information. **(In a cellular system, the search path to the**

data file is transmitted in the setup message, and the calling handset uses the

same protocol; for example, WAP, to retrieve the data file from the network server

of the telephone system, Col 4, Lines 8-18)

It would have been obvious to one of ordinary skilled in the art at the time of the

invention to create the invention of **Choe** to include the above recited limitations as

taught by **Heinonen** in order to enable a caller to indicate the origin of a call by way of a

ringing indication that is selected by the caller **(Col 4, Lines 26-34)**.

15.   **Claims 22 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable

over **Choe - Heinonen** in view of **Nguyen** et al. (US 2004/0120477 A1).

Regarding claim 22, **Choe - Heinonen** teaches,

wherein the call set up message is appropriate for setting up a circuit switched

call **(Choe; Par. 0028)**

Choe - Heinonen fails to explicitly teach,

the multimedia information is provided using a packet switched connection.

However, **Nguyen** teaches,

the multimedia information **(communication requests)** is provided using a

packet switched connection **(STP 108 in Fig. 1)**. **(Par. 0022)**

It would have been obvious to one of ordinary skill in the art at the time of the

invention to create the invention of **Choe - Heinonen** to include a packet switched

connection as taught by **Nguyen** in order to route communication requests between the

various elements **(Nguyen; Par. 0022)**.

Regarding claim 26, **Choe** teaches,

wherein the call set up message is appropriate for setting up a circuit switched

call **(Choe; Par. 0028)**

Choe - Heinonen fails to explicitly teach,

the processing system is adapted to providing multimedia information using a

packet switched connection.

However, **Nguyen** teaches,

the processing system is adapted to providing multimedia information

(communication requests) using a packet switched connection **(STP 108 in Fig. 1)**.

(Par. 0022)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to create the invention of **Choe - Heinonen** to include a packet switched

connection as taught by **Nguyen** in order to route communication requests between the

various elements **(Nguyen; Par. 0022)**.

Conclusion

16.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NOEL BEHARRY whose telephone number is (571)270-

5630. The examiner can normally be reached on M-T 10am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey C. Pwu can be reached on 571-272-6798. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. B./
Examiner, Art Unit 2478

/Benjamin R Bruckart/
Primary Examiner, Art Unit 2478